

BEFORE THE SUPREME COURT COMMITTEE ON PROFESSIONAL CONDUCT
PANEL B

FILED

IN RE: **SHAWN A. WOMACK**
Arkansas Bar ID #97128
CPC Docket No. 2006-051

JUN 27 2007

LESLIE W. STEEN
CLERK

FINDINGS AND ORDER

The formal charges of misconduct upon which this Findings and Order is based were developed from information provided to the Committee by Catherine Miller on April 18, 2005. The information related to the representation of Ms. Miller in 2004-2005 by Respondent Shawn A. Womack, an attorney practicing primarily in Mountain Home, Baxter County, Arkansas. On May 19, 2006, Respondent was served with a formal complaint, supported by an affidavit from Catherine Miller. After a ballot vote, at Respondent's request a public hearing was conducted on June 15, 2007, before Panel B. Attorney members Henry Hodges, Harry Truman Moore, and Michael Cogbill were not available and were replaced by substitute attorney members Searcy Harrell, Jr., Robert Trammell, and James A. Ross, Jr. In the absence of Panel B Chair Henry Hodges, Panel B Vice Chair Valerie Kelly chaired the hearing.

Catherine Miller hired Mr. Womack in July 2004, and eventually paid him the quoted \$300 fee plus \$30 costs, to seek relief for her in a situation where she was not receiving child support from the father of her child. A court hearing was held October 19, 2004, on the matter. The Court directed Mr. Womack to obtain financial information from the father after the hearing and prepare and submit an appropriate Order on the hearing by November 1, 2005. The father followed Respondent to Respondent's office at the conclusion of the hearing. There he obtained the Affidavit of Financial Means form from Respondent, and left. The father did not thereafter submit the required information

to Respondent. No Order was submitted.

The Office of Professional Conduct wrote Mr. Womack about the matter on March 2, 2006. Mr. Womack submitted a precedent for the Order which was signed by the Court on March 31, 2006, and filed April 10, 2006. The Order granted Ms. Miller judgment against the father, Mr. Spruell, for back child support and other items, as well as \$300.00 in attorney fees, totaling \$747.71, and provided for the same \$200 monthly child support as in a previous support order entered in 2002. By then Mr. Spruell had relocated to South Arkansas, causing Ms. Miller additional difficulty in attempting to collect on this judgment.

Mr. Womack responded that, after the October 2004 hearing, the father failed to come to Mr. Womack's office to provide personal financial information, as directed by the Court, which might have triggered a higher level of support for Ms. Miller. He testified that he did communicate with her about the case after the hearing and that he specifically told her that his duties in Little Rock as a member of the Arkansas State Senate from early January-early June 2005 would prevent him from taking any further action on her matter during that time frame. He testified that his office received a voice message from Ms. Miller on June 7, 2005, that she was by then represented by the Office of Child Support Enforcement, and Respondent thought he was no longer her attorney in the child support matter. He testified that he did not hear from Ms. Miller, or about her matter, from June 7, 2005, until he received the March 2, 2006, letter from the Office of Professional Conduct. He also offered that, given the history of the father in ignoring mandates of the Court, it was unlikely that a quick Order would have actually produced any money for Ms. Miller.

Upon consideration of the formal complaint and attached exhibit materials, the response to it, the testimony of Catherine Miller, Vester Lynn Horton and Respondent, and exhibits and other

matters before it, and the Arkansas Model Rules of Professional Conduct, Panel B of the Arkansas Supreme Court Committee on Professional Conduct finds:

A. Mr. Womack's conduct violated Model Rule 1.3 in that at the conclusion of a hearing October 19, 2004, in Ms. Miller's case, he was directed by the Court to prepare the Order resulting from the hearing. He failed to prepare and submit the Order until March 31, 2006, after Ms. Miller had filed a disciplinary grievance against him and the Office of Professional Conduct had written him about the matter. Model Rule 1.3 requires that a lawyer shall act with reasonable diligence and promptness in representing a client. This violation was found by a vote of 6-1, with members Rush, Orton, Word, Kelly, Ross, and Harrell voting violation found, and member Trammel voting no violation.

B. Mr. Womack's conduct violated Model Rule 1.4(a) in that his client Catherine Miller contacted him on several occasions after the October 19, 2004, hearing for a status report on the Order he was directed to prepare from that hearing, and she was unable to obtain appropriate information from him or his office. Model Rule 1.4(a) requires that a lawyer shall keep a client reasonably informed about the status of a matter and promptly comply with reasonable requests for information. This violation was found by a vote of 6-1, with members Rush, Orton, Word, Kelly, Ross, and Harrell voting violation found, and member Trammel voting no violation.

C. Mr. Womack's conduct did not violate Model Rule 8.4(d), which requires that a lawyer shall not engage in conduct that is prejudicial to the administration of justice. The Panel vote was unanimous in this finding of no violation.

WHEREFORE, it is the decision and order of the Arkansas Supreme Court Committee on Professional Conduct, acting through its authorized Panel B, that **SHAWN A. WOMACK**,

Arkansas Bar ID# 97128, be, and hereby is, **CAUTIONED** for his conduct in this matter, and is assessed and ordered to pay Committee costs of \$50.00 and the court reporter hearing fee of \$75.00. The total costs of \$125.00 assessed herein shall be payable by cashier's check or money order payable to the "Clerk, Arkansas Supreme Court" delivered to the Office of Professional Conduct with thirty (30) days of the date this Findings and Order is filed of record with the Clerk of the Arkansas Supreme Court.

ARKANSAS SUPREME COURT COMMITTEE ON
PROFESSIONAL CONDUCT - PANEL B

By: Valerie Kelly
Valerie Kelly, Vice-Chair, Panel B

Date: 6/26/07